

UNITED STATES DISTRICT COURT

for the
District of New Jersey

Camden Division

Brenda Gail Minion

Case No. 1-16-cv-05454

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Keystone AmeriHealth Caritas

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No

U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
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COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Brenda G. Minion
Street Address	513 Bellevue Court
City and County	Atco Camden County
State and Zip Code	NJ 08004
Telephone Number	856-809-6722
E-mail Address	brenda_minion@yahoo.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	Keystone AmeriHealth Caritas
Job or Title <i>(if known)</i>	Human Resources
Street Address	100 Stevens Drive
City and County	Philadelphia City of Philadelphia
State and Zip Code	Pennsylvania 19117
Telephone Number	215-937-8000
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	Diane Lee Newman
Job or Title <i>(if known)</i>	Attorney
Street Address	113 South 21st Street
City and County	Philadelphia City of Philadelphia
State and Zip Code	Pennsylvania, 19103
Telephone Number	215-851-0200 ext. 3322
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	Nakeyia Jenkins
Job or Title <i>(if known)</i>	Claim Supervisor
Street Address	unknown
City and County	
State and Zip Code	
Telephone Number	unknown
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	Diane Zumbach
Job or Title <i>(if known)</i>	Human Resource Partner
Street Address	unknown
City and County	
State and Zip Code	
Telephone Number	unknown
E-mail Address <i>(if known)</i>	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☐ Federal question ☒ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Title VII of the Civil Rights Act of 1964 (Title VII) The Americans with Disabilities Act (ADA)

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* Brenda G. Minion, is a citizen of the State of *(name)* New Jersey.

b. If the plaintiff is a corporation

The plaintiff, *(name)* n/a, is incorporated under the laws of the State of *(name)* n/a, and has its principal place of business in the State of *(name)* n/a.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* n/a, is a citizen of the State of *(name)* n/a. Or is a citizen of *(foreign nation)* n/a.

b. If the defendant is a corporation

The defendant, (name) Keystone AmeriHealth Caritas, is incorporated under the laws of the State of (name) Pennsylvania, and has its principal place of business in the State of (name) Pennsylvania.

Or is incorporated under the laws of (foreign nation) n/a, and has its principal place of business in (name) n/a.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

The amount in controversy – the amount the plaintiff claims the defendant owes or the amount at stake – is \$75,404.00. Defendant lost her career opportunity and employment because of her noted disability. Plaintiff was hindered financially; disrespected verbally, and emotionally from caring for herself and family. Defendant knowingly caused unnecessary delay with patient restoring her health, pay and departmental goals. Not once but twice.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

In short and plain statement. I Brenda G. Minion, Plaintiff was harrassed, retaliated, and terminated from a hostile work environment. 1 - Nakeyia Jenkins, Supervisor; Keith Ogden, Manager instructed plaintiff to report into the office of employment while out on FMLA / ADA Accommodations through her employer on October 13, 2014 after being notified via phone and email on October 6, 2014. Plaintiff was not medically cleared to return while out on approved FMLA / ADA Accommodations. 2. On October 20, 2014 the violation was addressed by Human Resources with Nakeyia Jenkins, and Keigh Ogden by Mike Greevy, HR Manager and Darlene Stratford, HR Leave Coordinator Specialist. The same occurred around March 29, 2015 but was wrongfully addressed.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I expect a total relief of \$75,404. Said amount is the salary that I would had made if my FMLA and ADA Accommodations weren't interrupted by Nakeyia Jenkins and Diane Zumbach. There actions ultimately caused friction within my work environment and employment. The causation of daily harrassment, hostile work environment,retaliation from a filed EEOC Claim finally ended to a wrongful employment termination. Those actions were acted out through erroneous audits, tampering with production, constant disrespect in the form of not answering or addressing concerns on issues that affected my daily work-flow. <Continued on attached page>

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 02/28/2019

Signature of Plaintiff



Printed Name of Plaintiff

Brenda G. Minion

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

**United States District Court
for the District of New Jersey
Camden Division**

Civil No.: 1-16-cv-05454

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

III. Statement of Claim Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

March 29, 2014 called received from Nakeyia Jenkins, Supervisor advising Brenda Minion, plaintiff to report into the office for a written corrective action. Informed Defendant 1 - Nakeyia Jenkins that I was unable to report due to current condition. Received numerous calls and emails on March 29 - March 30th from Nakeyia Jenkins threatening me to come into the office. I asked her to notify Darlene Stratford, Human Resources Leave Coordinator in regards to my Leave of Absence. Defendant 2 - Diane Zumbach, Human Resources Partner called me on March 29 - April 3, 2015 advising me to come into the office and if I did not come into the office then I will be considered insubordinate. She stated that they did not like the way I was using my Intermittent Leave here and there. I was told on April 3, 2015, "That if I did not report to the office! I will be insubordinate." Diane Zumbach, Defendant said for me to go out on Short Term Disability or report into the office on April 6, 2015.

3. The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.) <continued from previous page>

Plaintiff was told to return to work without Physicians's Approval or Modified Approved FMLA / ADA Accommodations on October 13, 2014. Plaintiff sustained exacerbation to back which affected her mobility to drive, walk, stand, and sit. When plaintiff was asked by Human Resource Manager, Mike Greevy why she came into the office. I replied, "I was told to stay in my lane". So, I did what I was told to do. I was sent home by Human Resource Manager on October 20, 2014. I was told that I was considered a liability per Mike Greevy.

IV. Relief State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages. <Continued from previous page>

; and disability. My health declined because my job was threatened; my integrity was constantly questioned; my rights were violated under Title VII of the Civil Rights Act of 1964 (Title VII) The Americans with Disabilities Act (ADA) with continuous harrassment via emails, phone calls and face-to-face interactons. To this day, the stress of recalling these events causes my body to go into trauma; fight or flight mode. Meaning body becomes weak with muscle fatigue and spasms, blood pressure rises, sugar level raises, body aches and joints are inflamed due to going back and forth to court to file complaints, answer to orders, filing motions, researching case law to argue my overwhelming duty to file a complaint against my former employer. My mental state becomes bothersome with fear and discouragement. Fear that I will come under retaliation; discouragement that I will not be heard of how my disability was treated under Title VII of the Civil Rights Act of 1964 (Title VII) The Americans with Disabilities Act (ADA).